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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,342	08/19/2003	Ramin Safavi	RM0744US (#90492)	3783
28672	7590	02/04/2005	EXAMINER	
D. PETER HOCHBERG CO. L.P.A. 1940 EAST 6TH STREET CLEVELAND, OH 44114			WRIGHT, ANDREW D	
		ART UNIT	PAPER NUMBER	
		3617		

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary	Application No.	Applicant(s)	
	10/643,342	SAFAVI ET AL.	
	Examiner	Art Unit	
	Andrew Wright	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 November 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) 2-5 and 21-36 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 6-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/13/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species A in the reply filed on 11/3/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. In the reply of 11/3/04, applicant asserts that claims 35 and 36 are generic. Claims 35 and 36 are not generic as they contain elements that are not present in a non-elected species. A generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species. MPEP §806.04(d).
3. Furthermore, claims 35 and 36 contain elements that are not in Species A. Claim 35 recites a "fan located in the enclosure", and claim 36 recites a fan outlet with exclusive communication, neither of which is recited in claims 8-20. Therefore, claims 35 and 36 do no read on Species A and will not be examined therewith.
4. Claims 2-5 and 21-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/3/04.

Claim Objections

5. Claims 8, 9, 13, and 14 are objected to for use of inconsistent terms. Claim 8 recites "a ... planar central portion". Claim 8 then recites "the central portion". Claim 8 subsequently recites "the planar central portions". Claim 9 recites "the planar central portion". Claim 13 recites "the front panel central portion". Claim 14 recites "the front panel central portion". Consistent terms should be used when referring to the same element. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6-14, 18, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tucker (US 6,741,222). Tucker shows rigid front panel (44) with holes (62). Tucker shows planar, sheet lens (50). Tucker shows pixel display modules (72). There are plural front panels arranged adjacent to each other and in a common plane (figs 4, 9-12). The lens is behind the panel and passes over the holes (figs 4, 5, 10, 13). Each pixel display is aligned with a hole (column 5, lines 41-45). The front panels are joined along adjacent sides thereof (figs 9 and 10).

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8. Regarding claim 6, see figs 4, 5, 10.
9. Claim 7, see figs 5, 9, 10.
10. Claim 8, the enclosure with forward facing opening is shown in figs 3 and 12.
11. Claim 9, the lens is between the panel and pixel modules (figs 4, 5, 13).
12. Claim 10, see fig 9 and lines 26-30 of column 7.
13. Claim 11, see drain holes (116).
14. Claim 12, see figs 4, 5, 10.
15. Claim 13, the bracket is member (58 or 60). The lens is between the bracket and front panel portion. The lens is clamped via sealant (103).
16. Claim 14, the sealant (103) is a gasket.
17. Claim 18, gasket (102) is between sidewalls (fig 10).
18. Claim 19, see figs 4 and 12. Tucker shows bolts and slots. The slots necessarily have a width greater than the bolts, otherwise the bolts could not fit into the slots.
Movement of the bolt in the axial direction, into and out of a slot, constitutes adjustable horizontal positioning.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claims 8, 9, 15-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker (US 6,741,222) in view of Tucker (US 6,314,669). Tucker ('222) contains the elements of claims 8 and 9 as described above. Regarding claim 15, tucker ('222) shows that the pixel modules are mounted on a "display board" (66). Tucker ('222) does not refer to this display board as a circuit board. It is highly likely that the "display board" is a circuit board by another name, because the LED's necessarily need a power source. It is well known and common to mount LED modules on circuit boards for the purpose of selectively supplying power to the LED's for the purpose of controlling when the LED's are ON and OFF. Tucker ('669) shows a display system similar to that of Tucker ('222), in which LED modules are disposed on a "display circuit board (56)". Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tucker ('222) to make the display board a display circuit board. The motivation would be to provide power to and selective control of the LED's.

21. Still regarding claim 15, the display circuit board of the modified invention is in the place of member (66) of Tucker ('222) and is spaced rearward of the sheet lens.

22. Claim 16, see figs 4 and 5.

23. Claim 17, see fan (38).

24. Regarding claim 20, the modified invention of Tucker ('222) in view of tucker ('669) as described above with respect to claim 15 contains limitations of claim 20. tucker ('222) shows shroud (110) and lens cap (64).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mouyard et al. ('453) shows a display with a perforated front panel, lens, pixel modules, and circuit board. Tucker ('853) shows a display with circuit boards. Okazaki et al. ('123) shows a display with a perforated front panel and pixel modules.

26. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

The examiner and his supervisor are relocating to the new Office campus in Alexandria, VA, on or around April 5, 2005. Telephone calls to the examiner and/or examiner's supervisor after that date should be directed as follows. The examiner's new telephone will be (571) 272-6690. The examiner's fax number for unofficial communications will be (571) 273-6690. The supervisor's new telephone number will be (571) 272-6684.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

ANREW D. WRIGHT
PRIMARY EXAMINER

ANREW 2/2/05